

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

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ASHEVILLE, N.C.

APR 02 2013

Clerk, U.S. Dist. Court
W. Dist. of N.C.

TERI LYNN HINKLE

Plaintiff

vs

EXPERIAN INFORMATION

SOLUTIONS, INC.; TRANS UNION

LLC; EQUIFAX, INC.

Defendants

Civil No: 1:18-CV-00007-MR-DLH

**PLAINTIFF'S REPLY TO DEFENDANT TRANS UNION'S MOTION IN
OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND**

NOW COMES the Plaintiff, Teri Lynn Hinkle with her reply to Defendant Trans Union's Opposition to her Motion for Leave to file her First Amended Complaint and states as follows:

Trans Union in its initial statement in its Opposition to Plaintiff's motion states Plaintiff failed to allege sufficient facts to support her claims both in her Original Complaint and her First Amended Complaint. Nothing could be further from the truth. With the Original Complaint Plaintiff attached exhibits in support of her claims. With her First Amended Complaint Plaintiff has not only attached additional exhibits in support of her claims but has also more definitively stated the details surrounding the claims in her Complaint. Apparently Trans Union has severe visual issues and cannot see the forest for the trees.

Plaintiff's claims, without question fall within the plausibility standards set forth under *Twombly*. "Here, the Court is not requiring heightened fact pleading of specifics, but only enough facts to state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v*

Twombly, 550 U.S. 544 (2007) Plaintiff's claim is clearly plausible on its face and leave to amend should be granted by the Court.

The stark simplicity of Plaintiff's claims should be apparent to the Court. Plaintiff made multiple requests for her **full consumer file disclosure** as allowed under 15 U.S.C. § 1681g(a)(1) and received **nothing** from Trans Union other than **repeated** requests for identification and location information which had already been provided. It would appear Trans Union believes it can simply make the same repeated requests for information in lieu of providing what the law mandates or making any attempt to do so with impunity. Trans Union argues that Plaintiff concedes she never satisfied the condition precedent of providing proof of address which is a blatantly false statement. Plaintiff concedes nothing. Evidence already on the record in addition to the exhibits attached to the First Amended Complaint clearly show that Plaintiff met ALL conditions precedent by providing clear and legible identification and proof of address. Trans Union simply refuses to comply with the law and employs frivolous repetitive tactics to avoid compliance. Futility is not remotely an issue here when one simply looks at the First Amended Complaint and attachments. As a consumer, Plaintiff is baffled as to what more she could have sent by way of establishing identity and location other than sending a personal invitation to dinner with a map of directions attached.

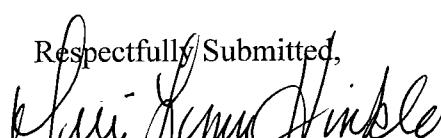
Trans Union complains about incurring additional attorney's fees which are akin to the fire calling the kettle black when it presents frivolous arguments to a well-founded, and supported by evidence, cause of action. Plaintiff's claim is clear and concise and Trans Union would do well to make an appropriate response and address the issues of the claim rather than waste not only the Court's but Plaintiff's time with frivolous and conclusory arguments.

CONCLUSION

Trans Union's arguments are conclusory, baseless and without merit and should be disregarded in their entirety by the Court. Plaintiff's First Amended Complaint is well stated, plausible on its face under *Twombly* and leave to amend should be granted by the Court.

WHEREFORE, Plaintiff respectfully requests the Court grant her Motion for Leave to Amend and docket her First Amended Complaint so this case may move forward to adjudication on the merits.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document was sent to the parties listed below by first class mail USPS.

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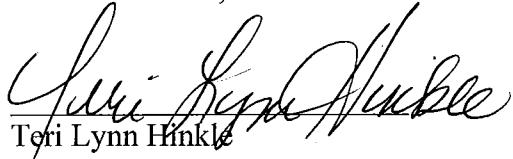
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Dated March 30, 2018


Teri Lynn Hinkle